

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1905

Introduced by Assembly Member Logue

February 22, 2012

An act to amend Section ~~2727.5~~ of the ~~Business and Professions Code~~ 11379 of the *Health and Safety Code*, relating to ~~nursing~~ controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 1905, as amended, Logue. ~~Nursing.~~ *Controlled substances: transporting and distribution.*

Existing law provides that a felony is a crime that is punishable by death, by imprisonment in the state prison, or notwithstanding any other provision of law, by imprisonment in a county jail for more than one year. Existing law provides generally that felonies are punishable by imprisonment in a county jail for 16 months, or 2 or 3 years. Existing law provides exceptions to imprisonment in a county jail for a variety of felonies, including serious and violent felonies, as defined.

Existing law makes it a felony to import into the state, or transport or distribute within the state, controlled substances, as defined, unless upon the prescription of a specified medical professional, including a physician or dentist. Existing law prescribes the punishment for a violation of these provisions as imprisonment in a county jail for a specified term.

This bill would instead require imprisonment in the state prison for a violation of these provisions relating to controlled substances.

~~Existing law, the Nursing Practice Act, prohibits a person from engaging in the practice of nursing without holding a license which is in an active status issued by the Board of Registered Nursing.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 11379 of the Health and Safety Code is~~
2 ~~amended to read:~~

3 11379. (a) Except as otherwise provided in subdivision (b)
4 and in Article 7 (commencing with Section 4211) of Chapter 9 of
5 Division 2 of the Business and Professions Code, every person
6 who transports, imports into this state, sells, furnishes, administers,
7 or gives away, or offers to transport, import into this state, sell,
8 furnish, administer, or give away, or attempts to import into this
9 state or transport any controlled substance which is (1) classified
10 in Schedule III, IV, or V and which is not a narcotic drug, except
11 subdivision (g) of Section 11056, (2) specified in subdivision (d)
12 of Section 11054, except paragraphs (13), (14), (15), (20), (21),
13 (22), and (23) of subdivision (d), (3) specified in paragraph (11)
14 of subdivision (c) of Section 11056, (4) specified in paragraph (2)
15 or (3) of subdivision (f) of Section 11054, or (5) specified in
16 subdivision (d) or (e), except paragraph (3) of subdivision (e), or
17 specified in subparagraph (A) of paragraph (1) of subdivision (f),
18 of Section 11055, unless upon the prescription of a physician,
19 dentist, podiatrist, or veterinarian, licensed to practice in this state,
20 shall be punished by imprisonment ~~pursuant to subdivision (h) of~~
21 ~~Section 1170 of the Penal Code~~ *in the state prison* for a period of
22 two, three, or four years.

23 (b) Notwithstanding the penalty provisions of subdivision (a),
24 any person who transports for sale any controlled substances
25 specified in subdivision (a) within this state from one county to
26 another noncontiguous county shall be punished by imprisonment
27 ~~pursuant to subdivision (h) of Section 1170 of the Penal Code~~ *in*
28 ~~the state prison~~ for three, six, or nine years.

29 ~~SECTION 1. Section 2727.5 of the Business and Professions~~
30 ~~Code is amended to read:~~

1 ~~2727.5.—A person licensed under this chapter who in good faith~~
2 ~~renders emergency care at the scene of an emergency that occurs~~
3 ~~outside both the place and the course of that person's employment~~
4 ~~shall not be liable for any civil damages as the result of acts or~~
5 ~~omissions by that person in rendering the emergency care.~~

6 ~~This section shall not grant immunity from civil damages when~~
7 ~~the person is grossly negligent.~~

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